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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,730	11/02/2001	Kevin A. Sciling	01-180	2670
30058	7590	12/26/2007	EXAMINER	
COHEN & GRIGSBY, P.C.			KUHNS, ALLAN R	
11 STANWIX STREET				
15TH FLOOR			ART UNIT	PAPER NUMBER
PITTSBURGH, PA 15222			1791	
			NOTIFICATION DATE	DELIVERY MODE
			12/26/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPPatent@CohenLaw.com  
LPaine@CohenLaw.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/001,730	SEILING ET AL.	
	Examiner Allan Kuhns	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 15 October 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-3 and 5-28 is/are pending in the application.  
 4a) Of the above claim(s) 6-17 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,5 and 18-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5 and 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO00/03859 (Nomura et al.) in view of Crabtree et al. (6,062,624). Nomura et al. (6,623,838) is being used as a translation of the '859 document. Note the decision of the Board of Patent Appeals and Interferences mailed August 14, 2007.

3. The declarations of Dr. Jeffery Ryan, Shannon R. Rice and Douglas M. Pennington under 37 CFR 1.132 filed October 15, 2007 are insufficient to overcome the rejection of claims 1-3, 5 and 18-28 based upon Nomura et al. in view of Crabtree et al. as set forth in the last Office action because: the declarations are not commensurate in scope with the claims at issue because they primarily address alleged distinctions in processes conducted by Nomura et al. and Crabtree et al. while the claims at issue are directed to a composition (product). In addition, the portion of Mr. Pennington's declaration (paragraphs 8 and 9) which describes certain enhanced performance characteristics of Glass Fiber/PVC composite materials relative to cellulose fiber/PVC composite materials is insufficient to overcome the rejection, at least for the reason that the Nomura reference teaches the use of glass fibers.

4. Applicants' arguments filed October 15, 2007 have been fully considered but they are not persuasive. Applicants arguments appear to follow the lines of reasoning set forth in the declarations under 37 CFR 1.132, which have been addressed in the

preceding paragraph, and/or arguments previously made before the Board of Patent Appeals and Interferences.

While it is recognized by the examiner that Applicants' remarks presented at page 11, lines 18-22 are intended to support their position, it is the examiner's viewpoint that these remarks actually serve to support his position, as set forth in the previous Office actions relying on the teaching of the Crabtree reference.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Allan R. Kuhns*

ALLAN R. KUHNS  
PRIMARY EXAMINER AU 1791